

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

SECURITIES INDUSTRY AND
FINANCIAL MARKETS ASSOCIATION,

Plaintiff,

v.

JOHN R. ASHCROFT, in his official capacity
as Secretary of State of Missouri; and
DOUGLAS M. JACOBY, in his official
capacity as Missouri Securities Commissioner,

Defendants.

CIVIL ACTION
NO. 2:23-cv-4154

**JOINT MOTION FOR ENTRY OF FINAL JUDGMENT AND
SUGGESTIONS IN SUPPORT**

Plaintiff Securities Industry and Financial Markets Association (“SIFMA” or “Plaintiff”) together with Defendants John R. Ashcroft and Douglas M. Jacoby (“Defendants,” and with Plaintiff, the “Parties”), jointly move this Court to enter final judgment in this matter. This motion is made pursuant to this Court’s summary judgment Order (*see* ECF Nos. 115 & 117) and attorney’s fee award (*see* ECF No. 131 at 2, § D). In support of this motion, the Parties state as follows:

1. On August 14, 2024, this Court granted SIFMA’s motion for summary judgment, denied Defendants’ motion for summary judgment, and awarded

permanent injunctive relief and declaratory relief in SIFMA's favor. (ECF No. 115). This Order was subsequently amended on August 28, 2024. (ECF No. 117).

2. Pursuant to Fed. R. Civ. P. 54, on August 28, 2024, SIFMA moved for an award of its attorneys' fees and related expenses under 42 U.S.C. § 1988 as the prevailing party, based on the Court's ruling for SIFMA on the merits. (ECF No. 118). On September 4, 2024, SIFMA also filed its Bill of Costs. (ECF No. 120).

3. On September 13, 2024, Defendants filed a notice of appeal from the Court's summary judgment Order. (ECF No. 123).

4. On September 27, 2024, after exchanging records concerning fees and costs incurred in the action, and further meet and confer discussions, the Parties filed a joint stipulation for award of attorneys' fees. (ECF No. 130). The Parties stipulated to an award of attorneys' fees to SIFMA in the amount of \$500,000.00, with no award of costs or expenses. The stipulated award was contingent on Defendants' agreement to dismiss their Eighth Circuit appeal with prejudice, and, conversely, Defendants' agreement to dismiss their appeal with prejudice was contingent on the stipulated award being entered by this Court. (ECF No. 130 ¶¶ 7, 9(b)).

5. On September 27, 2024, Defendants moved to voluntarily dismiss their Eighth Circuit appeal with prejudice. (Appellate Case No. 24-2879, Entry ID 5440769).

6. On September 30, 2024, this Court entered an Order adopting the Parties' stipulation for award of attorneys' fees. (ECF No. 131). This Order directed the parties to move for a final judgment within ten (10) days after the fee award was paid, and after the Eighth Circuit dismissed the appeal. (ECF No. 131 at 3).

7. On October 3, 2024, Defendants deposited a payment in the amount of \$500,000.00 to Armstrong Teasdale LLP, as counsel for SIFMA, in accordance with the Parties' stipulation and in full satisfaction of all amounts Defendants owe to SIFMA in connection with this litigation.

8. On October 7, 2024, the Eighth Circuit granted Defendants' motion to dismiss their appeal with prejudice (ECF No. 132; *see also* Appellate Case No. 24-2879, Entry ID 5443503) and issued its appellate mandate. (ECF No. 133; *see also* Appellate Case No. 24-2879, Entry ID 5443506).

WHEREFORE, Plaintiff Securities Industry and Financial Markets Association and Defendants John R. Ashcroft and Douglas M. Jacoby respectfully move the Court to enter final judgment consistent with the Court's Amended Summary Judgment Order (ECF No. 117), and with the Order adopting the parties' stipulation to an award of \$500,000.00 for attorneys' fees (ECF No. 131). The Parties further request that the Court's final judgment acknowledge that Defendants have fully and completely satisfied the attorneys' fee award based on the October 3, 2024 payment to Armstrong Teasdale LLP. *See* ¶7, above.

Dated: October 15, 2024

/s/ Karrie J. Clinkinbeard

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th Day of October, 2024, a copy of the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system on all counsel of record.

/s/ Karrie J. Clinkinbeard